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February 15, 2005

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Honorable Victor Marrero  
 United States District Judge  
 United States Courthouse  
 40 Centre Street, Room 414  
 New York, New York 10007

USDC SDNY  
 DOCUMENT  
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Re: *Van Wagner Enterprises, LLC v. Alexander Brown*  
Civil Action No. 04-CV-3882 (VM)

Dear Judge Marrero:

This firm represents plaintiff Van Wagner Enterprises, LLC ("VWE") in the above-entitled action.

At the conclusion of the pre-motion conference held on January 14, 2005, the Court directed that I consult with my clients and confer thereafter with defendant's counsel regarding VWE's position as to certain matters discussed at the conference, including the question as to whether it is VWE's position that this action should proceed in this Court (or, alternatively, should be adjudicated in connection with an action commenced by a VWE affiliate in New York Supreme Court).

This is to advise Your Honor that VWE intends to proceed with this case in this Court. I have so advised Hollis Bart, defendant's counsel, who requests that the Court convene a conference for the purpose of setting a briefing schedule with respect to defendant's motion to dismiss the complaint for alleged failure to join indispensable parties.

Respectfully,

John C. Ohman

The parties are directed to confer and prepare an agreed briefing schedule by 3-4-05 for submission to the Court

SO ORDERED:

2-28-05

DATE

VICTOR MARRERO, U.S.D.J.

cc: Hollis Gonerka Bart, Esq. (Via facsimile)